U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-296 678

Air Pollution Regulations in State Implementation Plans California, Modoc County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

Aug 78

PB 296678

United States
Environmental Protection
Agency

Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

EPA-450/3-78-054-21
August 1978

Air

EPA

Air Pollution Regulations in State Implementation Plans:

California

Modoc County

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

TECHNICAL REPORT DATA
(Please read Instructions on the reverse before completing)

1. REPORT NO.	2.	3. RECIPIENT'S ACCESSION NO.
EPA-450/3-78-054-21		PB 296678

4. TITLE AND SUBTITLE	5. REPORT DATE
Air Pollution Regulations in State Implementation Plans: California Modoc County	August 1978
	6. PERFORMING ORGANIZATION CODE
7. AUTHOR(S)	8. PERFORMING ORGANIZATION REPORT NO.
9. PERFORMING ORGANIZATION NAME AND ADDRESS Walden Division of Abcor, Inc. Wilmington, Mass.	10. PROGRAM ELEMENT NO.
	11. CONTRACT/GRANT NO. 68-02-2890
12. SPONSORING AGENCY NAME AND ADDRESS Control Programs Development Division Office of Air Quality Planning and Standards Office of Air, Noise, and Radiation Research Triangle Park, NC 27711	13. TYPE OF REPORT AND PERIOD COVERED
	14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES
EPA Project Officer: Bob Schell, Control Programs Development Division

16. ABSTRACT
This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Air pollution Federal Regulations Pollution State Implementation Plans		

18. DISTRIBUTION STATEMENT	19. SECURITY CLASS *(This Report)*	21. NO. OF PAGES
RELEASE UNLIMITED	Unclassified	44
	20. SECURITY CLASS *(This page)*	22. PRICE PC / MF
	Unclassified	A03 / A01

EPA Form 2220-1 (9-73)

EPA-450/3-78-054-21

Air Pollution Regulations in State Implementation Plans:

California

Modoc County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

ia

This report is issued by the Environmental Protection Agency to report air pollution regulations of interest to a limited number of readers. Copies are available, for a fee, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

This report was furnished to the Environmental Protection Agency by Walden Division of Abcor, Inc., Wilmington, Mass. 01887, in fulfillment of Contract No. 68-02-2890. The contents of this report are reproduced herein as received from Walden Division of Abcor, Inc. The opinions, findings, and conclusions expressed are those of the author and not necessarily those of the Environmental Protection Agency. Mention of company or product names is not to be considered as an endorsement by the Environmental Protection Agency.

Publication No. EPA-450/3-78-054-21

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET OF

EPA APPROVED REGULATION CHANGES

MODOC COUNTY APCD

Submittal	Approval	Description
6/30/72	9/22/72	All Regs. unless otherwise specified
7/25/73	8/22/77	Rule 3.10a, Reg. V Rule 5.1 - 5.7

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

- 4.1 PARTICULATES
- 4.2 SULFUR DIOXIDE
- 4.3 NITRIC OXIDES
- 4.4 HYDROCARBONS
- 4.5 CARBON MONOXIDE
- 4.6 OXIDANTS
- 4.7 OTHERS

5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS

13.0 RECORD KEEPING AND REPORTING

14.0 PUBLIC AVAILABILITY OF DATA

15.0 LEGAL AUTHORITY AND ENFORCEMENT

16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS

17.0 PREVENTION OF SIGNIFICANT DETERIORATION

18.0 AIR QUALITY MAINTENANCE AREA

19.0 - 49.0.
RESERVED FOR FUTURE EXPANSION OF COMMON INDEX

50.0 POLLUTANT - SPECIFIC REGULATIONS

- 50.1 PARTICULATES
  - 50.1.1 PROCESS WEIGHT
  - 50.1.2 VISIBLE EMISSIONS
  - 50.1.3 GENERAL

50.2 SULFUR COMPOUNDS

50.3 NITRIC OXIDES

50.4 HYDROCARBONS

50.5 CARBON MONOXIDE

50.6 ODOROUS POLLUTANTS

50.7 OTHERS (Pb, Hg, etc.)

51.0 SOURCE CATEGORY SPECIFIC REGULATIONS

51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)

51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)

51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)

51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)

51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)

51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)

51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)

51.8 HOT MIX ASPHALT PLANTS

51.9 INCINERATION

51.10 NITRIC ACID PLANTS

51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide

51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)

51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)

51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)

51.15 PETROLEUM REFINERIES

51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)

51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)

51.18 SULFURIC ACID PLANTS

51.19 SULFURIC RECOVERY OPERATIONS

51.20 WOOD WASTE BURNERS

51.21 MISCELLANEOUS TOPICS

TABLE OF CONTENTS

MODOC COUNTY REGULATIONS

Revised Standard Subject Index	Rule Number	Title	Page Number
(2.0)	Rule 1:1	Title	1
(1.0)	1:2	Definitions	1
(2.0)	1:3	Air Pollution Data	3
(15.0)	1:4	Enforcement	4
(15.0)	1:5	Order for Abatement	4
(2.0)	1:6	General Provisions	4
(3.0)	2:0	Permits Required	5
(3.0)	2:1	Sources Not Requiring Permits	6
(3.0)	2:2	Time to Obtain Permit to Operate	7
(2.0)	2:3	Transfer	7
(3.0)	2:4	Applications	7
(3.0)	2:5	Cancellation of Applications	7
(3.0)	2:6	Action on Applications	7
(9.0)	2:7	Provision of Sampling and Testing Facilities	8
(3.0)	2:8	Standards for Granting Applications	8
(2.0)	2:9	Conditional Approval	9
(3.0)	2:10	Denial of Applications	9
(2.0)	2:11	Further Information	9

Revised Standard Subject Index	Rule Number	Title	Page Number
(3.0)	Rule 2:12	Applications Deemed Denied	9
(2.0)	2:13	Appeals	9
(50.1.2)	3:0	Ringelmann Chart	10
(50.1.2)	3:1	Wet Plumes	10
(50.7)	3:2	Nuisance	10
(50.1)	3:3	Particulate Matter	10
(50.0)	3:4	Specific Air Contaminants	10
(50.6)	3:4A	Reduction of Odorous Matter	11
(2.0)	-	Circumvention	11
(2.0)	3:5	Exceptions	12
(2.0)	3:6	Additional Exception	12
(51.13)	3:7	Open Burning	12
(2.0)	3:8	Exceptions	12
(2.0)	3:9	- -	14
(50.2)	3:10	Sulfur Contents of Fuels	14
(50.1.1)	3:12	Solid Particulate Matter-Weight	14
(2.0)	3:13	Separation of Emissions	17
(2.0)	3:14	Combination of Emissions	17
(51.16)	3:16	Gasoline Storage	17
(51.1)	3:17	Orchard and Citrus Heaters	18

Revised Standard Subject Index	Rule Number	Title	Page Number
(2.0)	Rule 4:1	Applicable Articles of the Health and Safety Code	19
(2.0)	4:2	General	19
(2.0)	4:3	Filing Petitions	19
(2.0)	4:4	Contents of Petitions	19
(5.0)	4:5	Petitions for Variances	20
(2.0)	4:6	Failure to Comply with Rules	20
(2.0)	4:7	Answers	20
(2.0)	4:8	Dismissal of Petition	21
(16.0)	4:9	Place of Hearing	21
(16.0)	4:10	Notice of Hearing	21
(2.0)	4:11	Evidence	21
(13.0)	4:12	Record of Proceedings	21
(2.0)	4:13	Preliminary Matters	22
(2.0)	4:14	Official Notice	22
(2.0)	4:15	Continuances	22
(16.0)	4:16	Hearing and Decision	22
(2.0)	4:17	Effective Date of Decision	23
(15.0)	5:1	Enforcement	24
(3.0)(51.13)	5:2	Burning Permits	24
(1.0)	5:3	Definitions	24

Revised Standard Subject Index	Rule Number	Title	Page Number
(51.13)	Rule 5:4	Notification of Burning Conditions	25
(2.0)	5:5	Exceptions	26
(15.0)	5:6	Enforcement	27
(2.0)	5:7	Prohibitions-General	28

RULES AND REGULATIONS - AIR POLLUTION CONTROL

MODOC COUNTY

REGULATION I - GENERAL PROVISIONS

(2.0) Rule 1:1 - Title.

These rules and regulations shall be known as the Rules and Regulations of the Modoc County Air Pollution Control District.

(1.0) Rule 1:2 - Definitions.

Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in the Health and Safety Code.

(a) Agriculture Burning. "Agricultural Burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management or range improvement.

(b) Air Contaminant. "Air Contaminant" includes smoke, charred paper, dust, soot, grime, carbon, aerosols, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(c) Atmosphere. "Atmosphere" means the air that envelopes or surrounds the earth.

(d) Board. "Board" means the Air Pollution Control Board of the Modoc County Air Pollution Control District, which is the Board of Supervisors.

(e) Combustible Waste. "Combustible Waste" is any solid or liquid combustible waste material containing carbon in a free or combined state.

(f) Combustion Contaminants. "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(h) Control Officer. "Control Officer" means the Air Pollution Control Officer of the Modoc County Air Pollution Control District.

(i) District. "District" is the Modoc County Air Pollution Control District.

(j) Process Weight Rate. "Process Weight" is the total weight, including contained moisture, of all materials introduced into any specific process which may cause the emission of any pollutants into the atmosphere. Solid fuels will be considered to be part of the process weight, but liquid and gaseous fuels and combustion air will not. The process weight will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(k) Hearing Board. "Hearing Board" means the Hearing Board of the Modoc County Air Pollution Control District.

(l) Incinerator. "Incinerator" means any furnace or similar enclosed fire chamber, with or without a draft control, used for burning refuse or other waste material.

(m) Institutional Facility. "Institutional Facility" means any hospital, boarding home, school, corporation yard, or like facility.

(n) Multiple Chamber Incinerator. "Multiple Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, method C-24.

(o) Open Outdoor Fire. "Open Outdoor Fire" as used in this regulation means complete or partial burning or smoldering of any combustible refuse or other material of any type directly exposed to the atmosphere, whether or not enclosed in a fire proof container, where the products of combustion are not channeled through a flue.

(p) Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

(q) Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

(r) Process Weight Per Hour. "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged

will be considered as part of the process weight but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(s) Regulation. "Regulation" means one of the major sub-divisions of Rules of the Modoc County Air Pollution Control District.

(t) Residential Rubbish. "Residential Rubbish" means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

(u) Rule. "Rule" means a rule of the Modoc County Air Pollution Control District.

(v) Section. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(w) Standard Conditions. As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.

(x) Variance. "Variance" means an authorization by the Hearing Board to permit some act contrary to the requirements specified by these rules and regulations.

(y) Shall and May. When used in these Rules and Regulations, "Shall" is mandatory, "May" is permissive.

(2.0) Rule 1:3 - Air Pollution Data.

(a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants which any article, machine, equipment or other contrivance will produce, which any air pollution control district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air monitoring data, including data compiled from stationary sources, are public records.

(15.0) Rule 1:4 - Enforcement.

These rules and regulations shall be enforced by the Control Officer pursuant to all applicable law. The pursuit of any one such remedy shall not be deemed an election of remedies. All available remedies may be pursued individually, collectively concurrently, or consecutively, at the option of the Control Officer.

(15.0) Rule 1:5 - Order for Abatement.

The Air Pollution Control Board can forthwith on the petition of the Control Officer, and may, by resolution, upon the petition of any other interested person, notice a hearing to determine the existence of any alleged violation of any statute, rule, or regulation prohibiting or limiting the discharge of air contaminants into the atmosphere. Notice of such hearing shall be served, and shall include the nature of the alleged violation, the time and place of the hearing and shall inform the alleged violator that he has the right to counsel at the proceeding, the right to compel the attendances of the witnesses on his behalf, the right to cross-examine witnesses, and the right to procure a court reporter to record and/or transcribe the proceedings, all at his own expense. All such petitions shall be acted upon by the Hearing Board within thirty (30) days of receipt of same. Hearing shall be set no sooner than thirty (30) days and no later than sixty (60) days from the service of such notice whenever the Hearing Board finds that any person is in violation of any such statute, rule or regulation, the Air Pollution Control Board may issue its order of abatement.

(2.0) Rule 1:6 - General Provisions.

These Rules and Regulations shall become effective on January 17, 1972, Future amendments to these Rules and Regulations shall take effect on the dates specified therein or as specified in the order by which they are adopted.

REGULATION II - PERMITS

(3.0) Rule 2:0 - Permits Required.

(a) Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(b) Permit to Operate. Before any article, machine, equipment or other contrivance described in Rule 2.0 (a) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any in Rule 2:0 (a), constructed or installed with authorization as required by Rule 2:0 (a), until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 2:8 and elsewhere in these Rules and Regulations.

(c) Posting of Permit to Operate. A person who has been granted under Rule 2:0 a Permit to Operate any article, machine, equipment, or other contrivance described in Rule 2:0 (b), shall firmly affix such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place with 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

(d) Alternation of Permit. A person shall not willfully deface, alter forge, counterfeit, or falsify a Permit to Operate posted on any article, machine, equipment or other contrivance. Violation of Rule 2:0 (e) is a misdemeanor pursuant to the provisions of Section 24281 of the Health and Safety Code of the State of California.

(e) A Permit to Operate shall be obtained by existing industries within ninety (90) days of adoption of these Rules and Regulations.

(3.0) Rule 2:1 - Sources Not Requiring Permits.

An Authority to Construct or a Permit to Operate shall not be required for the sources hereinafter set out, provided, however, said sources shall comply with all other applicable District Rules and Regulations.

(a) Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized, exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four (4) families.

(d) The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with air pollution control equipment.

3. Piston-type internal combustion engines.

4. Equipment used exclusively for steam cleaning.

5. Presses used exclusively for extruding metals, minerals, plastics, or wood.

6. Equipment used exclusively for space heating other than boilers.

7. All sheet-fed printing presses and all other printing presses without dryers.

8. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

9. Batch mixers of five cubic feet rated working capacity or less.

10. Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

11. Brazing, soldering or welding equipment.

12. Laundry and dry cleaning equipment used for cleaning fabrics.

13. Ovens used exclusively for curing potting materials or castings made with epoxy resins.

14. Equipment used for compression molding and injection molding of plastics.

(3.0) Rule 2:2 - Time to Obtain Permit to Operate.

(2.0) Rule 2:3 - Transfer.

An Authority to Construct or a Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) Rule 2:4 - Applications.

Every application for an Authority to Construct or a Permit to Operate as required under Rule 2:0 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 2:8 hereof.

(3.0) Rule 2:5 - Cancellation of Applications.

(a) An Authority to Construct shall expire and the application shall be cancelled two (2) years from the date of issuance of the Authority to Construct.

(b) An application for Permit to Operate existing equipment shall be cancelled two (2) years from the date of filing of the application.

(3.0) Rule 2:6 - Action on Applications.

The Air Pollution Control Officer shall act, within a reasonable time, on an application for Authority to Construct, or Permit to Operate and shall notify the applicant in writing of his approval, conditional approval or denial.

(9.0) Rule 2:7 - Provision of Sampling and Testing Facilities.

A person operating or using any article, machine, equipment or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the Authority to Construct or Permit to Operate.

(3.0) Rule 2:8 - Standards for Granting Applications.

(a) The Air Pollution Control Officer shall deny an Authority to Construct, or Permit to Operate except as provided in Rule 2:9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Section 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

(b) Before an Authority to Construct or a Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Order of the State of California.

(c) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the articles, machine, equipment or other contrivance has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

(d) The granting of a permit does not exempt the holder from present and future regulations of the Air Pollution Control District.

(2.0) Rule 2:9 - Conditional Approval.

(a) The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 2:8 in which case the conditions so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 2:8 under the revised conditions.

(3.0) Rule 2:10 - Denial of Applications.

In the event of denial of an Authority to Construct or Permit to Operate the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of the notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with objections specified by the Air Pollution Control Officer as his reasons for denial of the Authority to Construct, or the Permit to Operate.

(2.0) Rule 2:11 - Further Information.

Before acting on an application for Authority to Construct or Permit to Operate the Air Pollution Control Officer may require the applicant to furnish further information or further plans and specifications.

(3.0) Rule 2:12 - Applications Deemed Denied.

The applicant may at his option deem the Authority to Construct or the Permit to Operate denied if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing, or within (30) days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) Rule 2:13 - Appeals.

Within ten (10) days after notice, by the Air Pollution Control Officer, of denial or conditional approval of an Authority to Construct or a Permit to Operate the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(50.1.2) Rule 3:0 - Ringelmann Chart.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this Rule. (Section 24242)

(50.1.2) Rule 3:1 - Wet Plumes.

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of Rule 3:0, that rule shall not apply. The burden of proof which establishes the application of this Rule 3:1 shall be upon the person seeking to come within its provisions.

(50.7) Rule 3:2 - Nuisance.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. (Section 24243)

(50.1) Rule 3:3 - Particulate Matter.

A person shall not discharge from any single source whatsoever particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions over a period of one hour.

(50.0) Rule 3:4 - Specific Air Contaminants.

No person shall discharge from any single source whatsoever any one or more of the following contaminants in any state or combination thereof, exceeding in concentration at the point of discharge:

(a) Sulphur Compounds calculated as sulphur dioxide: 0.2 per cent by volume.

(b) Combustion contaminants: 0.3 grain per cubic foot of gas calculated to 12 per cent of carbon dioxide at standard conditions. In measuring

the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide.

(50.6) Rule 3:4A - Reduction of Odorous Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, agricultural materials, etc., unless all gases, vapors and gas-entrained effluents which contain odorous material are:

(a) Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

(b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this Rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

This rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

(2.0) Circumvention.

A person shall not install or use any equipment, the use of which without resulting in a reduction of air contaminants released to the atmosphere, dilutes, alters, or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of the rules and regulations of any air pollution control district. This rule shall not apply to cases in which the nature of the violation involved is that of a nuisance.

(2.0) Rule 3:5 - Exceptions.

Rules 3:0, 3:2, do not apply to:

(a) Fire set by or permitted by a public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or,

2. The instruction of public employees in the methods of fighting fire.

(b) Fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Agricultural operations in the growing of crops or raising of fowls or animals, or

(d) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls, or animals.

(2.0) Rule 3:6 - Additional Exception.

The provisions of Rule 3:2, relating to odors, do not apply to odors emanating from agricultural operations in the growing of crops of raising of fowls or animals. (Section 24251.1)

(51.13) Rule 3:7 - Open Burning.

No person, firm, corporation, association or public agency shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire within the District, except as provided in this Regulation.

(2.0) Rule 3:8 - Exceptions.

The following fires are excepted from the provisions of Rule 3:7.

(a) Fires used only for cooking of food for human beings or for recreational purposes.

(b) Fires for disposal of household rubbish originating at one and two family dwellings which fires are maintained by the occupant of the dwelling at the dwelling.

(c) Any fire set or permitted by any public officer, in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials where there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.

(d) Fires set for the purpose of instruction of industrial employees in the methods of fighting fire, provided prior permission has been granted by a public officer in the performance of official duty and by the Air Pollution Control Officer.

(e) An agricultural fire set by or permitted by the County Agricultural Commissioner of the County, if such fire is set or permission given in the performance of the official duty of such County Agricultural Commissioner for the purpose of disease and pest prevention.

(f) Safety flares for the combustion of waste gases.

(g) Agricultural fires necessary to maintain and continue an agricultural operation set or permitted by a fire offical having jurisdiction in the performance of official duty for the purpose of:

1. Control and disposal of agricultural wastes.

2. Stubble and brush control.

3. The improvement and control of water sheds.

(h) Fires set for the purpose of disposal of waste materials created as an incidence to the clearance and development of land for road or right of way purposes by a public entity or utility, provided that such fires shall be burned only after approval by a fire official having jurisdiction in the performance of official duty and the Air Pollution Control Officer.

(i) Except in case of emergency, permits for a setting of any fire or fires permitted by paragraphs (c), (d), (e), (g), and (h) of this Rule shall be granted by the public official having jurisdiction, and only after consultation with the Air Pollution Control Officer.

(j) Any fire if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide, or water vapor is emitted under all operating conditions.

(k) Open fires are permitted in City and County Dumps for the purpose of disposing solid waste, upon approval by the California Air Resources Board.

(2.0) Rule 3:9

Nothing in this Regulation is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

(50.2) Rule 3:10 - Sulfur Contents of Fuels.

No person shall burn within the District any gaseous fuel containing sulfur compound in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 per cent by weight. The provisions of this rule shall not apply to:

(a) The incinerating of waste gases provided that the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur compounds in excess of the amount specified in this rule.

(b) The use of solid fuels in any metallurgical process.

(c) The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

(d) The use of liquid, or solid fuel, to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.

(e) The use of liquid fuel whenever the supply of gaseous fuel, the burning of which is permitted by this rule, is not physically available to the user due to accident, act of God, act of war, act of the public enemy, or failure of the supplier.

(f) The use of liquid fuel during a period for which the supplier of gaseous fuel, the burning of which is not prohibited by this Rule, interrupts the delivery of gaseous fuel to the user.

(50.1.1) Rule 3:12 - Solid Particulate Matter - Weight.

A person shall not discharge into the atmosphere from any source, solid particulate matter at a rate in excess of that shown for the process weight rate for the source in Table I.

Where the process weight rate falls between figures listed in the table, the exact rate of permitted discharge shall be determined by linear interpolation.

For the purposes of this rule solid particulate matter includes any material which would become solid particulate matter if cooled to standard conditions.

To use the following table, take the process weight per hour as such is defined in Rule 1:2 (r). Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes three hours to complete, he will divide the weight of all materials in the specific process, in the example, 1,500 lbs., by 3 giving a process weight per hour of 500 lbs. The table shows that "A" may not discharge more than 1.77 lbs., in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated.

ALLOWABLE RATE OF EMISSION BASED ON

PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

(2.0) Rule 3:13 - Separation of Emissions.

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant, limited in this Regulation cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the exhaust gas volume through all emission points, unless the person responsible for the source operation establishes the correct total emitted quantity.

(2.0) Rule 3:14 - Combination of Emissions.

(a) If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the control officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each source operation, this Regulation shall apply to each such source operation separately.

(b) If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Rule 3:14 (a), this Regulation shall apply to the source operations whose air contaminants are so combined.

(51.16) Rule 3:16 - Gasoline Storage.- (Section 39068.2)

It is a misdemeanor to install any stationary storage tank having a capacity of 250 gallons or more for the storage of any petroleum distillate having a high vapor pressure of four psi or greater, unless the tank is equipped with one of the following emission control systems:

1. a permanent submerged fill pipe (Section 39068.2 (e);

2. a vapor recovery system (Section 39068.4);

3. a floating roof (not acceptable if the vapor pressure of the contents exceeds 11 psi) (Section 39068.3); or

5. control equipment of efficiency equal to that specified above, which has been approved by the Air Pollution Control Officer;

It is also a misdemeanor to load from any tank truck or trailer, any tank installed after December 31, 1970 which is not in conformance with the foregoing.

These requirements are not applicable to stationary storage tanks which are used primarily for the fueling of implements of husbandry (Section 39068.2f).

(51.1) Rule 3:17 - Orchard and Citrus Heaters.- (Section 39298.7)

No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the Air Resources Board.

1. No person shall use any orchard or citrus heater after January 1, 1975 unless it has been approved by the Air Resources Board, or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

REGULATION IV - PROCEDURE BEFORE THE HEARING BOARD

(2.0) Rule 4:1 - Applicable Articles of the Health and Safety Code.

The provisions of Article 6, Chapter 2, Division 20, of the State of California Health and Safety Code, as amended, respectively entitled "Variances and Procedure", are incorporated herein by this reference.

(2.0) Rule 4:2 - General.

This regulation shall apply to all hearings before the Hearing Board of the Modoc County Air Pollution Control District.

(2.0) Rule 4:3 - Filing Petitions.

Request for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board and after service of a copy of the petition on the Air Pollution Control Officer, 202 W. Fourth Street, Alturas, California, and service of one (1) copy on the holder of the variance, if any involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(2.0) Rule 4:4 - Contents of Petitions.

Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and addresses of partners, if a co-partnership, names and address of the managing officers, if a corporation, and the names and address of the persons in control, if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

(e) Whether the petitioner desires a hearing:

1. For a variance under Section 24292, Health and Safety Code;

2. To revoke or modify a variance under Section 24298, Health and Safety Code.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign, each petition shall be verified by the person signing.

(g) All petitions shall be typewritten, double-spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) Rule 4:5 - Petitions for Variances.

In addition to the matters required by Rule 4:4, petitions for variance shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

(e) The requirements which petitioner can meet and date when petitioner can comply with such requirements.

(f) The advantages and disadvantage to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(g) Whether or not operations under such variance, if granted would constitute a nuisance.

(2.0) Rule 4:6 - Failure to Comply with Rules.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Rule 4:7 - Answers.

Any person may file an answer within ten (10) days after service. All answers shall be served the same as petitions under Rule 4:3.

(2.0) Rule 4:8 - Dismissal of Petition.

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 4:9 - Place of Hearing.

All hearings shall be held at the place designated by the Hearing Board.

(16.0) Rule 4:10 - Notice of Hearing.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, or 24299, Health and Safety Code.

(2.0) Rule 4:11 - Evidence.

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissable over objection in civil actions. The rules of privilege shall be effective to the same extent that they are not or hereafter shall be excluded.

(13.0) Rule 4:12 - Record of Proceedings.

A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods.

1. A written summary of all the evidence, testimony and proceedings had and presented at the Hearing shall be made by a person designated by the Hearing Board for that purpose; or

2. Any interested person, including the District, may at his own cost provide a certified shorthand reporter satisfactory to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing.

The Hearing Board may require that the original and one copy of such transcript, each certified to by the reporter as to its accuracy, be filed with the Hearing Board within thirty (30) days from the closing date of the hearing unless required by the Board prior to that time, at the expense of the party requesting the same.

(2.0) Rule 4:13 - Preliminary Matters.

Preliminary matters such as setting a date for hearings, granting continuances, approving petitions for filing, allowing amendments, issuing subpoenas, and other preliminary rulings not determinative of the merits of the case may be made by the Chairman or any two members of the Hearing Board and without notice.

(2.0) Rule 4:14 - Official Notice.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.

(2.0) Rule 4:15 - Continuances.

The Chairman or any two members of the Hearing Board shall grant any continuance concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action. Further, the chairman or any two members of the hearing board may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice. Upon notice the chairman or any two (2) members of the hearing board may grant continuances for good cause shown.

(16.0) Rule 4:16 - Hearing and Decision.

All hearings shall be held by two or more members of the Board. The decision shall be in writing served and filed within fifteen (15) days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Rule 4:17 - Effective Date of Decision.

The decision shall become effective fifteen (15) days after delivery or mailing a copy of the decision, as provided in Rule 4:16, or the Hearing Board may order that the decision shall become effective sooner.

REGULATION V - AGRICULTURAL BURNING

(15.0) Rule 5:1 - Enforcement.

In accordance with Section 39298.8 of the California Health and Safety Code, the Modoc Air Pollution Control District does hereby adopt this plan consistent with the Agricultural Burning Guidelines.

Any violation of the provisions of this plan is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding five-hundred dollars ($500.), or both, and the cost of extinguishing the fire. Every day during any portion of which such offense occurs constitutes a separate offense.

The air pollution control district shall enforce these Rules and Regulations.

(3.0) (51.13) Rule 5:2 - Burning Permits.

All burning permits required by these regulations will be issued by the Modoc Air Pollution Control Officer at the office in Alturas or Tulelake.

(1.0) Rule 5:3 - Definitions.

(a) "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat (Section 39295.6 of the California Health and Safety Code).

(b) "Open burning in agricultural operations in the growing or crops or raising of fowls or animals" means:

1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, or instruction by an educational institution; and

2. In connection with operations qualifying under subdivision 1.:

   a. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

   b. The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizer and empty pesticide sacks or containers, where the sacks or containers are emptied in the field.

c. "Range improvement burning" means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

d. "Forest management burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

e. "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desicated with herbicides.

f. "Timber operations" means cutting or removal, or both, of timber or other forest vegetation.

g. "Silvicultural" means the establishment, development, care and reproduction of stands of timber.

h. "Board" means the State Air Resources Board, or any person authorized to act on its behalf.

i. "Designated agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service, and the California Division of Forestry are so designated within their respective areas of jurisdiction.

j. A "no-burn" day means any day on which agricultural burning is prohibited by the Board or the local district.

k. A "permissive-burn" day means any day on which agricultural burning is not prohibited by the Board.

l. "District" means Modoc County Air Pollution Control District.

m. "Approved ignition device" includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners and flares, but does not include the use of tires, tar paper, oil and other similar material.

(51.13) Rule 5:4 - Notification of Burning Conditions.

(a) Commencing December 20, 1972, a notice as to whether a day is permissive-burn day or a no-burn day will be provided to the local District by the California Air Resources Board each morning by 0745. This notice will be incorporated in a normal weather report and will be

transmitted to the general public by announcement over local radio stations, television stations and the weather service VHF network.

(b) An advisory forecast as to whether the following day will be a permissive-burn or a no-burn day will be provided to the local District by the California Air Resources Board each afternoon at 1300. This notice will also be incorporated in weather reports to local news media.

(c) Upon requests from a permittee through a designated agency, seven days in advance of a specific range improvement burn or of a specific forest management burn above 3,000 feet a permissive-burn or no-burn notice will be issued by the Board up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.

(d) A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in the preceding Section C.

(e) The Board may cancel permissive-burn notices that had been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.

(f) Burning forecast will be made covering the entire California Northeast Plateau Air Basin, however, more restrictive conditions may be specified for the local District.

(2.0) Rule 5:5 - Exceptions.

(a) Open burning in agricultural operations in the growing of crops or raising of fowl or animals at altitudes above 3,000 feet mean sea level (msl), is exempt from the Agricultural Burning Implementation Plan.

(b) Agricultural burning in areas at altitudes above 6,000 feet msl is exempt from the Agricultural Burning Implementation Plan.

(c) Burning of agricultural related items such as, empty pesticide containers and toxic fertilizer bags, may be permitted, by the Air Pollution Control Officer, on no-burn days. Burning will be done in accordance with stated burning preparations and consideration for fire danger.

(d) The Air Pollution Control Officer may allow, by special permit, agricultural burning on a no-burn day, if denial of such permit would threaten imminent and substantial economic loss. The applicant shall submit in writing, on a form provided, his reasons for the exception.

(15.0) Rule 5:6 - Enforcement.

(a) No person shall knowingly set or permit any open burning operation on days within a period prohibited by the California Air Resource Board or the District.

(b) Penalty - Any violation of the agricultural burning requirements stated in these procedures is a misdemeanor, under Section 39299 of the California Health and Safety Code, punishable by imprisonment in the County jail not exceeding six (6) months, or by fine not exceeding five hundred dollars ($500.) or both, and the cost of putting out the fire. Every day, during any portion of which such violation occurs constitutes a separate offense.

(c) Procedures -

1. Open Burning

a. Complaint received or burning observed.

b. Investigation (fire protection agency or air pollution control district)

(1) Determine responsible person.

(2) Determine who ordered fire.

(3) Ask for permit.

(4) Determine section of regulations prohibiting such acts.

2. If violation exists

a. Action taken

(1) Obtain all pertinent information for report - name, address, location of burn, material, wind direction, description of fire and smoke, statements made by subject, witnesses, photos if possible.

(2) Issue citation to appear (Section Penal Code 836.5).

(3) If citation can not be issued because of complexities of the violation or the magnitude of the violations, the following may be pursued:

(a) Investigation: same as above.

(b) Review file with Air Pollution Control Officer.

(c) Ask District Attorney for complaint or injunctive action.

(4) May issue official notice to cease and desist subject to judgment of officer.

(2.0) Rule 5:7 - Prohibitions - General

(a) No person shall knowingly set or permit agricultural burning unless he has a valid permit from the designated agency in the area where the burn will take place.

(b) A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

(c) A permit shall not be issued to an applicant unless information is provided as required by the Air Pollution Control District.

(d) All material to be burned shall be reasonably free of dirt, soil, and excess moisture.

(e) Wherever possible, wastes shall be piled or windrowed in such a manner as to burn with maximum possible heat density and minimum smoke.

(f) All burning shall be ignited as rapidly as practicable within applicable fire control restrictions.

(g) All wastes shall be free of tires, tar paper, construction debris, or other types of rubbish likely to cause excessive smoke or obnoxious odors.

(h) Special consideration shall be given to burning operations confined to narrow inland river valleys where smoke containment may be restricted within the river basin and greatly decrease the prevailing visibility.

(i) All materials to be burned shall be ignited with an approved ignition device.

(j) A permit shall not be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.

(k) A permit shall be valid for only those days which agricultural burning is not prohibited by the Board or local District.

(l) Open outdoor fires must be controlled to such an extent as is technically and economically feasible to meet all Federal and State air quality standards pertaining to air pollutants created by open burning operations.

(m) Material shall not be burned unless it has been allowed to dry for the following minimum time periods:

1. Open burning in agriculture operations

   a. Dry cereals: 0 days

   b. Prunings and small branches: 3 weeks

   c. Large branches (6 inches and larger) and trees: 8 weeks

2. Range improvement burning

   a. Treated brush and unwanted trees: 6 months

   b. All unwanted trees over six (6) inches in diameter shall be felled.

3. Forest management burning

   a. As required by designating agency issuing the permit.

(n) The Air Pollution Control Officer may restrict burning to selected permittees on designated burn days if total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause State ambient air quality standards to be exceeded.

(o) Maximum care must be taken to keep smoke from drifting into populated areas.

Prohibitions I. Range Improvement Burning

(a) Between January 1 and May 31, range improvement burning may be conducted by permit on a No-Burn-Day, providing that more than 50% of the land has been brush treated.

Notwithstanding the provisions in Subdivision A of this section, the Board may prohibit range improvement burning during the period designated by the district if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality.

(b) If the burning is to be done primarily for improvement of land for wildlife and game habitat, no permit shall be issued unless the applicant has filed with the District a statement from the Department of Fish and Game, certifying that the burn is desirable and proper.

Prohibitions II. Forest Management Burning

(a) Unless good silvicultural practice dictates otherwise, material shall not be burned until it has been windrowed or piled where possible.